



Oregon

Kate Brown, Governor

Department of Environmental Quality

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December 6, 2019

Mr. Chris Hladick, Regional Administrator
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue Suite 900
M/S ECL-122, Seattle, WA 98101

RE: State Concurrence with the Explanation of Significant Differences for the Portland Harbor Superfund Site

Regional Administrator Hladick:

The Oregon Department of Environmental Quality (DEQ), on behalf of the State of Oregon, has reviewed the United States Environmental Protection Agency (EPA) Explanation of Significant Differences (ESD) for the Portland Harbor Superfund Site. The ESD incorporates changes to sediment cleanup levels and tissue target levels for carcinogenic polycyclic aromatic hydrocarbons (PAHs) and the nearshore remedial action level (RAL) for total PAHs. These changes are based on an update to the toxicity of benzo(a)pyrene (BaP) in EPA's Integrated Risk Information System (IRIS). The IRIS update found that BaP is less carcinogenic to humans than previously thought. It also allowed for the non-cancer effects of BaP to be quantified for the first time.

The IRIS Program supports EPA's mission to protect human health and the environment by identifying and characterizing the health hazards of chemicals found in the environment. EPA's IRIS Program is recognized as an authoritative source of toxicity information for federal, state, and local agencies and international health organizations. Moreover, Oregon's environmental cleanup regulations list IRIS as a primary source of toxicity information when performing human health risk assessments (OAR 340-122-0084).

In January 2011 the IRIS Program initiated a reassessment of the toxicity of BaP. The draft reassessment report was released for public comment in August 2013. Prior to its finalization in January 2017, the assessment was peer reviewed by independent, expert scientists from academia, government and the private sector. As a result, the IRIS update represents the best available science on which to make cleanup decisions and the State of Oregon has been using the revised BaP value at cleanup sites and in evaluating public health risks since 2018.

By incorporating the IRIS update, the ESD raises the cleanup level for carcinogenic PAHs, measured as BaP-equivalents, and the nearshore RAL for total PAHs while achieving the same level of protection for cancer and non-cancer effects to human health. DEQ recognizes that by raising the nearshore RAL for total PAHs and relying more on monitored natural recovery than active remediation (dredging or capping), there is greater uncertainty around the time needed for the remedy to achieve the remedial action objectives for protection of benthic receptors and

compliance with Oregon's Water Quality standards. Therefore, DEQ expects that a lines of evidence approach using both chemistry and benthic toxicity tests will be incorporated into the long-term monitoring plan for Portland Harbor to ensure that these remedial action objectives are met.

With this understanding, the State of Oregon concurs with this ESD. We support issuing this ESD now instead of waiting until the first formal "Five-Year ROD Review" which may not occur until at least 2030 so that the best, up-to-date science will be incorporated into remedial designs and sites with significant PAH risk can proceed with cleanup without delay.

Sincerely,



Richard Whitman, Director
Oregon Department of Environmental Quality

Cc: Steven Cook, Deputy Assistant Administrator, EPA Office of Land and Emergency Management
Jim Woolford, Director, EPA OSRTI
Cyndy Mackey, Director, EPA Office of Site Remediation Enforcement
Davis Zhen, Manager, EPA Region 10 Site Cleanup Unit 2
Jim McKenna, Natural Resource Office, Oregon Governor Kate Brown
André Ourso, Oregon Health Authority
Confederated Tribes and Bands of the Yakama Nation
Confederated Tribes of the Grand Ronde Community of Oregon
Confederated Tribes of Siletz Indians
Confederated Tribes of the Umatilla Indian Reservation
Confederated Tribes of the Warm Springs Reservation of Oregon
Nez Perce Tribe
National Oceanic and Atmospheric Administration
Oregon Department of Fish and Wildlife
U.S. Department of the Interior